



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 20 2018

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jeff Gillette
Plant Manager
PPG Industries Ohio, Inc.
559 Pittsburgh Road
Circleville, Ohio 43113

Re: Finding of Violation
PPG Industries Ohio, Inc.
Circleville, Ohio

Dear Mr. Gillette:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to PPG Industries Ohio, Inc. (you) under Section 113(a)(3) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(3). We find that you have violated Section 112 of the CAA, 42 U.S.C. § 7412, the applicable implementing regulations, and Title V of the CAA, 42 U.S.C. § 7661 *et seq.*, at your Circleville, Ohio facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Charles Hall. You may contact him by telephone at (312) 353 3443 or by e-mail at hall.charles@epa.gov to request a conference. You should make

the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Nam', with a stylized, cursive script.

Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Ohio Environmental Protection Agency

Kelly Toth, Ohio Environmental Protection Agency, Central District Office

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	FINDING OF VIOLATION
)	
PPG Industries Ohio, Inc.)	EPA-5-18-OH-07
Circleville, Ohio)	
)	
Proceedings Pursuant to the Clean Air Act,)	
<u>42 U.S.C. §§ 7401 <i>et seq.</i></u>)	

FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that PPG Industries Ohio, Inc. (PPG) is violating Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412, the applicable implementing regulations, and Title V of the CAA, 42 U.S.C. § 7661 *et seq.*, at its Circleville, Ohio facility as follows:

Statutory and Regulatory Authority

1. On September 30, 1999, EPA promulgated the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors (hereinafter, the HWC MACT) at 40 C.F.R. Part 63, Subpart EEE, pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d). 64 *Fed. Reg.* 53038. The HWC MACT set standards to ensure that all subject sources achieve the maximum degree of reduction in emissions of HAPs that EPA determines is achievable for the source category, known as "maximum achievable control technology" or "MACT."
2. The HWC MACT applies to the owner or operator of a hazardous waste incinerator (HWI), as defined in 40 C.F.R. § 63.1201.
3. 40 C.F.R. § 63.1206(b)(1) of the HWC MACT sets forth:
 - (1) Applicability. The emission standards and operating requirements set forth in this subpart apply at all times except:
 - (i) During periods of startup, shutdown, and malfunction; and
 - (ii) When hazardous waste is not in the combustion chamber (i.e., the hazardous waste feed to the combustor has been cut off for a period of time not less than the hazardous waste residence time) and you have documented in the operating record that you are complying with all otherwise applicable requirements and standards promulgated under authority of sections 112 (e.g., 40 CFR part 63, subparts LLL, DDDDD, and NNNNN) or 129 of the Clean Air Act in lieu of the emission standards under §§ 63.1203, 63.1204, 63.1205, 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221; the monitoring and compliance standards of this section and §§ 63.1207 through 63.1209,

except the modes of operation requirements of § 63.1209(q); and the notification, reporting, and recordkeeping requirements of §§ 63.1210 through 63.1212.

4. 40 C.F.R. § 63.1209(o)(3)(iv) of the HWC MACT requires the owner or operator of a HWI equipped with a wet scrubber to establish a limit on minimum pH on an hourly rolling average based on the average of the test run averages from the most recent compliant comprehensive performance test required by 40 C.F.R. § 63.1207. This pH limit is one of the requirements that ensures compliance with the hydrogen chloride and chlorine gas emission standard established by the HWC MACT.
5. 40 C.F.R. § 63.1209(a)(1) of the HWC MACT requires the owner or operator of a HWI to use either a carbon monoxide (CO) continuous emission monitor system (CEM) or a total hydrocarbon (THC) CEM to demonstrate and monitor compliance with the applicable standard in 40 C.F.R. § 63.1219(a)(5), and further requires the owner or operator of a HWI to use an oxygen (O₂) CEM to continuously correct the CO or THC concentration to 7 percent O₂. The emission standards for CO and THC are used as a surrogate for controlling non-dioxin/furan organic HAP emissions. *See 64 Fed. Reg. 52832.*
6. 40 C.F.R. § 63.1209(b)(1) of the HWC MACT requires the owner or operator of a HWI to use continuous monitoring systems (e.g., thermocouples, pressure transducers, flow meters) to document compliance with the applicable operating parameter limits (OPL) under 40 C.F.R. § 63.1209.
7. 40 C.F.R. § 63.1219(a)(5)(i) and (ii) of the HWC MACT sets forth:
 - (a) *Emission limits for existing sources.* [The owner or operator of a HWI] must not discharge or cause combustion gases to be emitted into the atmosphere that contain:
 - (5) For carbon monoxide and hydrocarbons, either:
 - (i) Carbon monoxide in excess of 100 parts per million by volume, over an hourly rolling average [HRA] (monitored continuously with a continuous emissions monitoring system), dry basis and corrected to 7 percent oxygen (ppmV @ 7% O₂); or
 - (ii) Hydrocarbons in excess of 10 parts per million by volume, over an hourly rolling average (monitored continuously with a continuous emissions monitoring system), dry basis, corrected to 7 percent oxygen, and reported as propane[.]
8. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it is unlawful for any person to, among other things, operate a major source subject to Title V except in compliance with a Title V permit after the effective date of any permit program approved or promulgated under Title V of the CAA.
9. Pursuant to Section 502(d), 42 U.S.C. § 7661a(d) on August 15, 1995, EPA approved Ohio's Title V operating permit program. *See 60 Fed. Reg. 42045.* Ohio's Title V

operating permit program regulations are codified at Ohio Administrative Code Chapter 3745-77.

Factual Background and Violations

10. PPG owns and operates a HWI at 559 Pittsburgh Road, Circleville, Ohio. PPG's HWI is subject to the requirements of the HWC MACT, and is an "existing source" as defined in 40 C.F.R. § 63.1201.
11. PPG's HWI is equipped with, among other things, a wet scrubber to control emissions.
12. On December 23, 2002, Ohio EPA issued a Title V permit to PPG (Facility ID: 01-65-00-0007) to operate the HWI (Title V Permit).
13. PPG's Title V permit limits PPG's emissions of CO to less than or equal to 100 ppmV @ 7% O₂.
14. PPG's Title V permit requires PPG to use a CO CEM and an O₂ CEM to demonstrate and monitor compliance with the CO emission standard in 40 C.F.R. § 63.1219(a)(5)(i).
15. PPG has installed, operates, calibrates, and maintains a CO CEM and an O₂ CEM.
16. PPG's Title V permit requires PPG to establish and comply with OPLs as required by the HWC MACT.
17. PPG has installed, operates, calibrates, and maintains a continuous pH analyzer for the wet scrubber liquor to monitor compliance with the minimum pH OPL of 7.1 (dimensionless). PPG established the minimum scrubber liquor pH OPL during its 2014 comprehensive performance test.
18. On September 6, 2016, EPA issued an information request pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, to PPG. EPA requested, among other things, PPG's HWI CO CEM data and wet scrubber liquor pH data for January 1, 2012, to September 6, 2016.
19. On October 21, 2016, PPG responded to EPA's information request by providing, among other things, CO CEM data and wet scrubber liquor pH data for January 1, 2012, to September 6, 2016. PPG supplemented its response on November 11, 2016.
20. According to the CO CEM data, PPG discharged or caused combustion gases to be emitted from its HWI into the atmosphere that contained CO in excess of 100 ppmV @ 7% O₂ on an hourly rolling average basis during 153 events on 132 days between March 1, 2014, and August 22, 2016, in violation of 40 C.F.R. § 63.1219(a)(5)(i), Section 112 of the CAA, 42 U.S.C. § 7412, and PPG's Title V Permit. The total duration of the events was 11,383 minutes. The time-weighted average concentration of CO for the events was 586.0 ppmV @ 7% O₂. The specific dates, times, and average CO

concentrations associated with these emission standard violations are identified in Table 1.

21. According to the wet scrubber liquor pH data, the hourly rolling average wet scrubber liquor pH was less than the minimum wet scrubber liquor pH OPL of 7.1 during 12 events on 15 days between April 29, 2014, and August 12, 2016, in violation of 40 C.F.R. § 63.1206(b)(1), Section 112 of the CAA, 42 U.S.C. § 7412, and PPG's Title V Permit. The specific dates, times, and average pH are identified in Table 2.

Environmental Impact of Violations

22. These violations may cause excess emissions of CO and hydrogen chloride/chlorine gas.
23. CO reduces oxygen delivery to the body's organs and tissues. CO contributes to the formation of ground-level ozone, which can trigger serious respiratory problems.
24. Hydrogen chloride is corrosive to the eyes, skin, and mucous membranes. Chlorine gas is a potent irritant of the eyes and respiratory system.

Date

4/20/18

Edward Nam

Director

Air and Radiation Division

Table 1. Dates, Times, and Average Concentrations of CO Emission Standard Violations.		
Start Date/Time	End Date/Time	Average CO HRA, ppmV
3/1/2014 22:24	3/1/2014 23:00	147.11
3/7/2014 16:36	3/7/2014 17:33	386.44
3/7/2014 20:01	3/7/2014 21:00	414.60
3/21/2014 12:25	3/21/2014 12:58	108.31
5/20/2014 17:23	5/20/2014 18:21	614.40
5/22/2014 2:46	5/22/2014 3:46	569.52
6/6/2014 22:18	6/6/2014 23:16	667.67
6/9/2014 5:03	6/9/2014 6:01	644.06
6/9/2014 11:45	6/9/2014 12:44	491.72
6/10/2014 0:09	6/10/2014 1:05	409.91
6/19/2014 12:28	6/19/2014 13:24	171.21
7/21/2014 21:48	7/21/2014 22:47	517.26
8/29/2014 1:14	8/29/2014 2:13	451.41
9/9/2014 12:32	9/9/2014 13:28	537.37
9/9/2014 16:23	9/9/2014 17:23	450.28
9/29/2014 6:55	9/29/2014 7:52	362.68
10/13/2014 6:53	10/13/2014 7:48	617.37
11/9/2014 7:27	11/9/2014 8:23	406.70
11/13/2014 8:19	11/13/2014 11:13	133.52
11/27/2014 15:32	11/27/2014 16:32	401.70
11/30/2014 0:43	11/30/2014 1:34	381.07
12/1/2014 12:13	12/1/2014 13:11	314.74
12/2/2014 16:12	12/2/2014 17:05	516.51
12/4/2014 8:34	12/4/2014 9:31	607.93
12/8/2014 5:01	12/8/2014 6:01	463.57
12/12/2014 10:51	12/12/2014 11:51	640.24
12/12/2014 21:57	12/12/2014 22:56	287.47
12/30/2014 6:57	12/30/2014 7:55	592.59
12/30/2014 9:54	12/30/2014 10:54	701.64
1/2/2015 5:59	1/2/2015 6:56	672.18
1/3/2015 22:00	1/3/2015 22:59	711.50
1/4/2015 1:11	1/4/2015 2:11	722.33
1/4/2015 4:19	1/4/2015 5:11	408.83
1/4/2015 18:01	1/4/2015 18:55	611.74
1/9/2015 10:57	1/9/2015 11:41	560.80
1/26/2015 16:05	1/26/2015 17:04	691.53
1/29/2015 0:53	1/29/2015 1:43	701.09
1/29/2015 3:37	1/29/2015 4:36	1053.86
1/31/2015 17:36	1/31/2015 18:12	183.14
2/12/2015 15:59	2/12/2015 16:48	1007.90
2/13/2015 1:43	2/13/2015 2:42	500.76

Table 1. Dates, Times, and Average Concentrations of CO Emission Standard Violations.		
Start Date/Time	End Date/Time	Average CO HRA, ppmV
2/14/2015 9:17	2/14/2015 9:57	195.08
2/14/2015 10:04	2/14/2015 10:16	1789.34
2/15/2015 11:48	2/15/2015 12:30	1241.84
2/17/2015 5:39	2/17/2015 6:33	594.06
2/17/2015 19:03	2/17/2015 20:00	706.16
2/23/2015 22:57	2/23/2015 23:56	514.71
2/24/2015 4:40	2/24/2015 5:39	510.10
2/26/2015 23:52	2/27/2015 0:47	632.41
2/27/2015 5:38	2/27/2015 6:28	383.94
3/4/2015 10:40	3/4/2015 11:40	858.47
3/6/2015 19:10	3/6/2015 20:02	2349.82
3/9/2015 7:45	3/9/2015 8:36	660.74
3/16/2015 10:01	3/16/2015 10:56	383.17
3/17/2015 16:24	3/17/2015 17:24	974.93
3/18/2015 3:12	3/18/2015 4:04	424.68
3/19/2015 1:48	3/19/2015 2:47	1181.38
3/20/2015 5:46	3/20/2015 6:36	578.91
4/3/2015 5:52	4/3/2015 6:44	511.06
4/3/2015 19:24	4/3/2015 20:24	1011.85
4/14/2015 10:03	4/14/2015 10:57	624.73
4/24/2015 17:19	4/24/2015 17:26	208.98
4/30/2015 14:02	4/30/2015 14:35	142.61
5/6/2015 13:57	5/6/2015 14:50	437.05
5/16/2015 3:19	5/16/2015 4:09	655.13
5/17/2015 1:17	5/17/2015 2:06	453.18
5/18/2015 18:10	5/18/2015 19:09	369.27
5/25/2015 20:25	5/25/2015 21:20	340.30
5/30/2015 15:53	5/30/2015 16:51	319.82
6/7/2015 2:20	6/7/2015 3:19	568.07
6/7/2015 20:15	6/7/2015 21:10	337.41
6/14/2015 14:05	6/14/2015 15:03	143.68
6/19/2015 9:37	6/19/2015 19:04	474.66
7/24/2015 22:33	7/24/2015 23:31	141.75
7/29/2015 7:29	7/29/2015 16:36	1117.28
8/4/2015 4:38	8/4/2015 17:10	468.77
8/19/2015 15:24	8/19/2015 18:24	224.52
9/18/2015 6:50	9/18/2015 7:57	1791.18
10/1/2015 14:52	10/1/2015 15:50	157.28
10/5/2015 15:11	10/5/2015 16:00	111.03
10/12/2015 8:56	10/12/2015 9:54	137.91
10/21/2015 18:19	10/21/2015 19:34	607.17

Table 1. Dates, Times, and Average Concentrations of CO Emission Standard Violations.		
Start Date/Time	End Date/Time	Average CO HRA, ppmV
10/29/2015 10:28	10/29/2015 13:25	1051.17
11/9/2015 1:15	11/9/2015 2:11	127.99
11/22/2015 10:52	11/22/2015 13:53	218.67
11/28/2015 7:43	11/28/2015 8:07	521.79
11/28/2015 8:48	11/28/2015 9:19	644.09
12/5/2015 5:46	12/5/2015 6:46	211.03
12/7/2015 14:37	12/7/2015 15:36	150.21
12/9/2015 10:19	12/9/2015 11:18	192.95
12/9/2015 13:46	12/9/2015 14:43	130.96
12/18/2015 13:01	12/18/2015 13:26	109.83
12/18/2015 14:12	12/18/2015 14:44	1983.52
12/22/2015 22:10	12/22/2015 22:44	119.61
12/27/2015 16:07	12/27/2015 17:06	227.57
12/31/2015 4:21	12/31/2015 5:22	366.40
1/10/2016 12:26	1/10/2016 15:51	147.15
1/19/2016 10:16	1/19/2016 11:16	359.47
1/20/2016 6:39	1/20/2016 7:51	156.74
1/20/2016 15:21	1/20/2016 15:45	111.52
1/25/2016 10:45	1/25/2016 11:08	1924.55
1/25/2016 11:46	1/25/2016 11:56	238.76
2/6/2016 7:54	2/6/2016 8:53	149.88
2/9/2016 1:58	2/9/2016 2:32	1930.12
2/10/2016 7:27	2/10/2016 9:24	1214.18
2/15/2016 3:14	2/15/2016 4:32	2056.05
2/25/2016 10:07	2/25/2016 11:04	149.31
3/1/2016 15:12	3/1/2016 21:00	289.40
3/13/2016 10:29	3/13/2016 10:54	2035.51
3/13/2016 22:57	3/13/2016 23:59	840.79
3/14/2016 14:48	3/14/2016 15:45	131.58
4/3/2016 19:35	4/3/2016 20:33	131.77
4/6/2016 11:04	4/6/2016 11:50	137.66
4/9/2016 14:13	4/9/2016 15:14	354.56
4/13/2016 12:54	4/13/2016 13:57	738.26
4/15/2016 20:17	4/15/2016 21:14	116.63
4/21/2016 22:40	4/21/2016 23:40	350.26
4/22/2016 15:37	4/22/2016 16:36	153.94
4/24/2016 8:40	4/24/2016 9:40	261.34
4/25/2016 6:19	4/25/2016 7:33	412.05
5/3/2016 8:18	5/3/2016 9:18	290.53
5/3/2016 16:43	5/3/2016 17:47	778.56
5/4/2016 2:10	5/4/2016 3:10	510.85

Table 1. Dates, Times, and Average Concentrations of CO Emission Standard Violations.		
Start Date/Time	End Date/Time	Average CO HRA, ppmV
5/5/2016 18:17	5/5/2016 19:18	782.46
5/9/2016 16:10	5/9/2016 17:15	1364.53
5/11/2016 18:48	5/11/2016 19:51	1794.68
5/12/2016 21:35	5/12/2016 22:40	1191.79
5/13/2016 0:50	5/13/2016 1:49	139.44
6/5/2016 14:48	6/5/2016 15:40	2343.33
6/12/2016 5:19	6/12/2016 6:19	138.15
6/12/2016 6:40	6/12/2016 7:54	276.09
6/13/2016 0:49	6/13/2016 1:47	142.66
6/16/2016 11:41	6/16/2016 12:18	116.54
6/19/2016 11:17	6/19/2016 12:16	209.70
6/22/2016 0:26	6/22/2016 2:50	1436.94
6/24/2016 18:59	6/24/2016 20:02	512.48
6/27/2016 19:25	6/27/2016 19:51	126.20
7/1/2016 20:33	7/1/2016 21:51	296.39
7/2/2016 8:40	7/2/2016 9:38	124.42
7/5/2016 9:04	7/5/2016 9:46	107.64
7/5/2016 13:53	7/5/2016 13:55	105.76
7/6/2016 3:57	7/6/2016 4:58	419.79
7/7/2016 2:11	7/7/2016 3:55	1824.06
7/11/2016 10:16	7/11/2016 11:18	612.34
7/12/2016 21:36	7/13/2016 1:03	799.25
7/13/2016 18:15	7/13/2016 19:29	1724.91
7/20/2016 16:26	7/20/2016 17:23	114.48
8/1/2016 9:58	8/1/2016 11:57	956.00
8/8/2016 14:29	8/8/2016 15:28	174.39
8/9/2016 9:50	8/9/2016 10:51	756.44
8/19/2016 2:36	8/19/2016 3:36	235.70
8/21/2016 21:38	8/21/2016 21:53	108.15
8/21/2016 23:45	8/22/2016 0:49	452.28

Table 2. Dates, Times, and Minimum Scrubber Liquor pH OPL		
Start Date/Time	End Date/Time	Average pH HRA
4/29/2014 12:03	5/1/2014 1:37	7.00
5/28/2014 20:14	5/28/2014 20:15	7.00
6/14/2014 13:07	6/14/2014 14:46	4.85
7/10/2014 18:20	7/10/2014 18:39	5.80
8/2/2014 1:26	8/2/2014 1:27	6.95
12/22/2014 23:15	12/23/2014 0:17	6.85
2/3/2015 12:45	2/3/2015 14:21	6.62
5/16/2015 3:29	5/16/2015 3:45	7.05
11/28/2015 8:11	11/28/2015 10:18	4.64
1/8/2016 20:36	1/8/2016 20:37	6.87
4/15/2016 21:18	4/15/2016 23:02	4.62
8/12/2016 12:07	8/12/2016 14:11	3.49

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent a Finding of Violation, No. EPA-5-18-OH-07, by Certified Mail, Return Receipt Requested, to:

Jeff Gillette
Plant Manager
PPG Industries Ohio, Inc.
559 Pittsburgh Road
Circleville, Ohio 43113

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, Ohio 43216-1049

Kelly Toth, Manager
Division of Air Pollution Control
Ohio Environmental Protection Agency
Central District Office
P.O. Box 1049
Columbus, Ohio 43216-1049

James Kavalec, Enforcement Program Manager
Division of Air Pollution Control
Ohio Environmental Protection Agency
jim.kavalec@epa.ohio.gov

on the 23rd day of April 2018

Kathy Jones
Kathy A. Jones, Program Technician
AECAB, PAS

Certified Mail Receipt Number: 7009 1680 0000 7641 3411

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Form Type = "Enf Received"

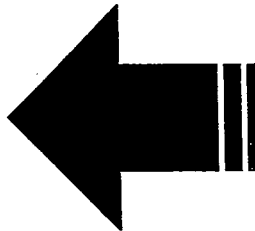
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 17 2018

REPLY TO THE ATTENTION OF:

MEMORANDUM

SUBJECT: Recommendation to Issue a Notice of Violation to Chicago Rail and Port, LLC,
Chicago, Illinois

FROM: Sara Breneman *SB*
Chief
Air Enforcement and Compliance Assurance Branch

TO: Edward Nam
Director
Air and Radiation Division

I recommend that you issue a Notice of Violation to Chicago Rail and Port, LLC (CRP) for violating the Illinois State Implementation Plan (SIP).

Specifically, CRP caused particulate matter emissions that contribute to air pollution in Illinois and may prevent maintenance of the revised National Ambient Air Quality Standards for particulate matter (PM₁₀) as observed at a continuous PM₁₀ monitor located at the fenceline of the S.H. Bell Company. The PM₁₀ level collected on December 4, 2017, at the monitor is a safety and health hazard to citizens in the immediate vicinity.

For these reasons, I recommend that you issue the attached NOV.

Attachment

State Representative Contacted:

Date:

By:

Julie Armitage
4/17/18
Nathan Frank

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Form Type = "Enf Received"

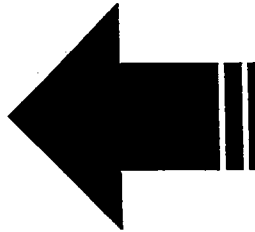
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 20 2018

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Austin Zenere
Chicago Rail and Port, LLC
3245 East 103rd Street
Chicago, Illinois 60617

Re: Notice of Violation
Chicago Rail and Port, LLC

Dear Mr. Zenere:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Chicago Rail and Port, LLC (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). EPA finds that you are violating the Illinois State Implementation Plan at your Chicago, Illinois facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Molly Smith, (312) 353-8773, or Patrick Miller, (312) 886-4044. You may call at either to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nam", written in a cursive style.

Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Julie Armitage, Chief, Bureau of Air, Illinois Environmental Protection Agency,
Julie.Armitage@Illinois.gov

4. On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rules 101 and 102 as part of the federally enforceable SIP for the State of Illinois. 37 *Fed. Reg.* 10842. IPCB Rule 101 has been recodified at 35 Illinois Administrative Code (Ill. Admin. Code) § 201.102. IPCB Rule 102 has been recodified at 35 Ill. Admin. Code § 201.141.
5. On February 21, 1980, EPA approved the IPCB Rule 203(f)(1) as part of the federally enforceable SIP for the State of Illinois. 45 *Fed. Reg.* 11493 (February 21, 1980). IPCB Rule 203(f)(1) has been recodified at 35. Ill. Admin. Code § 212.301.
6. The Illinois SIP at 35 Ill. Admin. Code § 201.141 provides, in pertinent part, that no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from

other sources, to cause or tend to cause air pollution in Illinois or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

7. The Illinois SIP at 35 Ill. Admin. Code § 201.102 defines “Ambient Air Quality Standard” as those standards promulgated from time to time by the IPCB pursuant to authority contained in the Illinois Environmental Protection Act and found at 35 Ill. Adm. Code § 243, or by the EPA pursuant to authority contained in 42 U.S.C. § 7401 et seq. as amended.
8. The Illinois SIP at 35 Ill. Admin. Code § 201.102 defines “Air Pollution” as the presence in the atmosphere of one or more air contaminants in sufficient quantities, characteristics and duration so as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.
9. The Illinois SIP at 35 Ill. Admin. Code § 243.120 incorporated the 24-hour NAAQS for PM₁₀ as 150 µg/m³, 24-hour average concentration. The primary and secondary NAAQS for PM₁₀ are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one.
10. The Illinois SIP at 35 Ill. Admin. Code § 243.102 defines “PM₁₀” as particulate matter that has an aerodynamic diameter less than or equal to a nominal 10 micrometers (µm).
11. The Illinois SIP at 35 Ill. Admin. Code § 243.120 incorporates by reference Appendix K to 40 C.F.R. Part 50 (2013) (Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Particulate Matter).

Factual Background

12. CRP owns and operates a bulk solid storage and handling facility 3245 East 103rd Street, Chicago, Illinois. The facility operates storage piles, roadways, material handling operations, and loading and unloading operations that emit particulate matter, including PM₁₀.
13. On March 1, 2017, S.H. Bell Company, Chicago, Illinois (S.H. Bell), began operating a meteorological station and a PM₁₀ ambient air monitoring network at 10218 South Avenue O, Chicago, Illinois (Monitoring Network). The Monitoring Network includes four continuous Federal Equivalence Method (FEM) PM₁₀ monitors and one filter-based Federal Reference Method (FRM) monitor. The monitors are located at the following locations:
 - a. FEM, S1, 41.708239, -87.544058;
 - b. FEM, S2, 41.710553, -87.539204;
 - c. FEM, S3, 41.710552, -87.542043;
 - d. FEM and FRM, S4, 41.711541, -87.539607; and
 - e. Meteorological station, 41.709841, -87.540376.

14. On January 16, 2018, S.H. Bell submitted meteorological data and Monitoring Network data for the month of December 2017 from the four FEM monitors. The data submissions included the southernmost monitor, S1.
15. The December 2017 Monitoring Network data showed that on December 4, 2017, the 24-hour PM_{10} average concentration was $179 \mu g/m^3$ at monitor S1.
16. The December 4, 2017, Monitoring Network meteorological data shows the wind was from the south and averaged over 15 miles per hour (mph).
17. EPA inspected the CRP facility on February 1, 2018, and confirmed bulk solid limestone storage piles in the northern portion of the CRP site, near S1 of the Monitoring Network.
18. During the February 1, 2018, inspection, CRP provided copies of the Reference Method 22 Daily Observation Checklist. The checklist for December 4, 2017, indicated 25 loads of limestone were shipped during wind gusts of 20 – 38 mph.

Violations

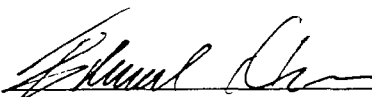
19. CRP caused the emission of PM_{10} into the air, so as, either alone or in combination with contaminants from other sources, to cause or tend to cause, air pollution in Illinois and/or to prevent the maintenance of the revised NAAQS for PM_{10} in violation of the Illinois SIP at 35 Ill. Admin. Code § 201.141

Environmental Impact of Violations

20. These violations have caused or can cause excess emissions of particulate matter: Particulate matter, especially fine particulates contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:
 - irritation of the airways, coughing, and difficulty breathing;
 - decreased lung function;
 - aggravated asthma;
 - chronic bronchitis;
 - irregular heartbeat;
 - nonfatal heart attacks; and
 - premature death in people with heart or lung disease.

4/20/18

Date



Edward Nam
Director
Air and Radiation Division

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills -

<http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 104 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has no such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

CERTIFICATE OF MAILING

I certify that I sent a Notice of Violation, No. EPA-5-18-IL-10 by Certified Mail, Return

Receipt Requested, to:

Austin Zenere
Chicago Rail and Port, LLC
3245 East 103rd Street
Chicago, Illinois 60617

I also certify that I sent copies of the Notice of Violation to:

Julie Armitage
Chief
Bureau of Air
Illinois Environmental Protection
Agency
1021 North Grand Avenue East
Springfield, Illinois 62794
Julie.Armitage@Illinois.gov

Mort Ames
City of Chicago Law Department
Assistant Corporation Counsel Supervisor
30 N. La Salle Street, Suite 1400
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Mort.Ames@cityofchicago.org

Dave Graham
Chicago Department of Public Health
Assistant Commissioner
333 S. State Street, Room 200
Chicago, Illinois 60604
Dave.Graham@cityofchicago.org

On the 23rd day of April 2018.